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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,472	05/02/2001	Russell E. Stubbings	39130-1006	6902

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EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,472

Applicant(s)

STUBBINGS ET AL.

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3612

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 5/2/02 did not include references listed on a form 1449. However, the references have still been considered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electrical power source coupled to the shelf must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 15, 16, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3612

In claim 15, the phrase “a surface texture that is matched to a vehicle interior surface texture” is indefinite. It is unclear if the applicant is claiming that the surface textures are the same or are simply matched so that they are aesthetically pleasing.

In claim 16, the phrase “a color of the shelf matches a vehicle interior color” is indefinite. It is unclear if the applicant is claiming that the colors are the same or are simply matched so that they are aesthetically pleasing.

In claim 28, the phrase “other suitable fasteners” is indefinite. The scope of what is being claimed is unascertainable from the claim.

Claim Objections

5. Claims 18 and 29 are objected to because of the following informalities: In claim 18, in line 5, the word --to-- should be inserted between the words “structured receive”. In claim 29, line 5, the word “though” should be changed to --through--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5-9, 11, 17, 18, and 22-32 are rejected under 35 U.S.C. 102(b) as being anticipated by McCloy, II et al.

Art Unit: 3612

Re claim 1, McCloy, II et al. discloses a shelf for a vehicle interior, comprising a front section configured to receive a visor, an elevated section (40) structured to couple to the vehicle interior, and a rear section (41) configured to contact the vehicle interior.

Re claim 2, the width of the shelf is substantially equal to a width of the visor (see figure 1).

Re claim 3, the front section comprises a lower surface and an upper surface, with the lower surface configured to receive a visor, and the upper surface configured to receive one or more objects.

Re claim 5, a wall element extends from at least one of the front section or the elevated section.

Re claim 6, the wall element (13) extends along an edge of the elevated section and around the front section.

Re claim 7, the wall element is configured to engage a surface of the vehicle interior.

Re claim 8, the elevated section is configured to engage a surface of the vehicle interior.

Re claim 9, the elevated section comprises at least one aperture configured to receive a visor fastener.

Re claim 11, the rear section comprises an edge (41) configured to contact a surface of the vehicle interior.

Re claim 17, the shelf is configured for installation in a vehicle selected from the group consisting of passenger vehicles, trucks, pickup trucks, recreational vehicles, sport-utility vehicles, vans, buses and semi-trailer vehicles.

Art Unit: 3612

Re claim 18, McCloy et al. discloses a shelf for a vehicle interior, comprising a first section comprising a lower surface (12) and an upper surface (23), the lower surface configured to receive a visor, with the upper surface configured to receive one or more objects, and a second section (40) structured to receive a visor fastener, the visor fastener coupling the shelf to the vehicle interior.

Re claim 21, a third section (41) extends from the second section and is structured to contact a surface of the vehicle interior.

Re claim 22, a width of the shelf is substantially equal to a width of the visor.

Re claim 23, a lower surface of the first section includes a recess for receiving the visor.

Re claim 24, the second section comprises an elongated pocket for receiving a visor mount comprising a visor fastener and a visor base.

Re claim 25, McCloy et al. discloses a shelf for a vehicle interior comprising an elevated section comprising at least one attachment aperture configured to receive a fastener for mounting the shelf to the vehicle interior, a front section configured to receive one or more objects, with a weight of the objects creating a moment about the fastener, and a rear section configured to contact a vehicle surface, thereby opposing the weight, and creating a counter-moment.

Re claim 26, the moment comprises a torque about the fastener and the rear section opposes the moment by exerting a force against the vehicle surface.

Re claim 27, the elevated section comprises a second attachment aperture configured to receive a second fastener.

Re claim 28, the fastener is a bolt.

Art Unit: 3612

Re claim 29, McCloy et al. discloses a method of attaching a shelf to a vehicle interior, the method comprising the steps of providing a shelf with at least one attachment aperture located in an interior area of the shelf, attaching the shelf to the vehicle interior by placing a fastener through the attachment aperture, positioning a rear section of the shelf against the vehicle interior so that a weight placed on the shelf is resisted by the rear section contacting the vehicle interior.

Re claim 30, the method includes, removing a visor from the vehicle interior positioning the shelf in the vehicle interior, and re-attaching the visor to the vehicle interior so that the shelf is captured between the visor and the vehicle interior.

Re claim 31, the method includes re-attaching the visor to the vehicle interior so that the shelf is captured between the vehicle interior and a headliner.

Re claim 32, the weight, creates a moment about the attachment aperture, and the rear section resists the moment by contacting the vehicle interior.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 12, 14, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCloy, II et al in view of Gilson.

Re claim 12, McCloy II et al. discloses all the limitations of the claim, as applied above, except for the shelf including an anti-skid surface.

The use of anti-skid surfaces for shelving, as well as item carrying horizontal surfaces in vehicles (for example dashboards and consoles), is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a shelf, such as that above, to include an anti-skid surface, as is old and well known in the art, in order to provide a known improvement to a horizontal item carrying surfaces in a vehicle.

Re claim 14, McCloy II et al. discloses all the limitations of the claim, as applied above, except for an electrical power source coupled to the shelf.

The use of sun visors including lights is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a shelf, such as that above, to be used with an a sun visor including lights which is thus coupled to both the shelf and a power source, as is old and well known in the art, in order to provide an amenity in the vehicle in which the shelf is used which is desirable to a user of the vehicle.

Re claim 15 and 16, McCloy II et al. discloses all the limitations of the claims, as applied above, except for the shelf having a surface texture and color matched to the vehicle interior.

The use of accessories matched to the interior of a vehicle is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a vehicle shelf, such as that above, to have a texture and color matched to

Art Unit: 3612

the vehicle interior, as is old and well known in the art, in order to construct a vehicle that is desirable to the purchaser of a vehicle.

Re claim 4, McCloy II et al. discloses all the limitations of the claim, as applied above, except for a net coupled to the front section.

Gilson teaches the use of a net to restrain cargo.

It would have been obvious to one of ordinary skill in the art to modify a visor, such as that above, to include a net coupled to a front section, as taught by Gilson, in order to restrain cargo carried by the shelf and prevent it from moving rearward during hard acceleration of the vehicle.

10. Claims 10, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCloy, II et al in view of German Publication Number 2515397 (Kriesche).

McCloy, II et al. discloses all the limitations of the claims, as applied above, except for the elevated section including an aperture structured to receive a visor clip.

Kriesche teaches the use of an aperture structured to receive a visor clip.

It would have been obvious to one of ordinary skill in the art to modify an elevated section of a shelf, such as that disclosed by McCloy II et al., to include an aperture structured to receive a visor clip, as taught by Kriesche, in order to provide a more secure mounting for the shelf.

Conclusion

Art Unit: 3612

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. French Publication 2366147 discloses an accessory for a vehicle attached to a vehicle roof by a sun visor mount.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Jason S. Morrow
Examiner
Art Unit 3612

jsm
June 21, 2002


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